

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|-------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| and |) | |
| |) | |
| STATE OF DELAWARE, |) | |
| |) | |
| Plaintiff/Intervenor, |) | |
| |) | |
| v. |) | Civil Action No. 05-443 GMS |
| |) | |
| FORMOSA PLASTICS CORPORATION, |) | |
| DELAWARE, |) | |
| |) | |
| Defendant. |) | |

ORDER

1. On June 28, 2005, the United States lodged a consent decree with the court that entirely resolves the matter of Formosa's alleged violations of the Clean Air Act ("CAA"), 42 U.S.C. § 7401; the Clean Water Act ("CWA"), 33 U.S.C. § 1251; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901; the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601; and, the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11001. (D.I. 2, 11.) The United States provided notice of the decree and invited public comment for a period of 30 days. Only one comment was received during that period. (D.I. 11 at B1.) Presently before the court is United States' motion requesting the court to approve and enter the consent decree. (D.I. 11.)
2. After reviewing the consent decree, supplemental memorandum and exhibits, the court

believes the consent decree is consistent with the multi-factor analysis laid out by the First Circuit in *United States v. Cannons Eng'g Corp.*, 899 F.2d 79 (1st Cir. 1990), which has been adopted by the Third Circuit. *See, e.g., United States v. SEPTA*, 235 F.3d 817 (3d Cir. 2000); *In re Tutu Water Wells CERCLA Litigation*, 326 F.3d 201 (3d Cir. 2003). Therefore, the court will grant the plaintiffs' motion. (D.I. 11.)

IT IS HEREBY ORDERED THAT:

The Plaintiffs' motion to enter consent decree (D.I. 11) be GRANTED.

Dated: November 8, 2005


UNITED STATES DISTRICT JUDGE

